

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NICK MORTON,

Case No. 3:22-cv-00186-MMD-CLB

Plaintiff,

**ORDER**

v.

R. PERRI, et al.,

Defendants.

This action began with a pro se civil-rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 4). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on August 12, 2022. (ECF No. 10). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 10, 12). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 15).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 4) is **GRANTED**. Pauper status doesn't relieve Plaintiff of the obligation to pay the full \$350 filing fee under the statute; it just means that Plaintiff can do it in installments. Plaintiff is not required to pay an initial installment of the filing fee. And Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security. But the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2) even if this action is later dismissed.

2. To ensure that Plaintiff pays the full filing fee, the Nevada Department of Corrections will forward payments from the account of **Nicholas C. Morton, #1238732** to

1 the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
2 month's deposits (in months that the account exceeds \$10) until the full \$350 filing fee  
3 has been paid for this action.

4 3. Service must be perfected within 90 days from the date this order is entered  
5 as required under Federal Rule of Civil Procedure 4(m).

6 4. Subject to the findings of the screening order (ECF No. 10), within 21 days  
7 of the date of entry of this order, the Attorney General's Office will file a notice advising  
8 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service,  
9 (b) the names of the defendants for whom it does not accept service, and (c) the names  
10 of the defendants for whom it is filing last-known-address information under seal. As to  
11 any of the named defendants for whom the Attorney General's Office cannot accept  
12 service, the Office will file, under seal, but will not serve the inmate Plaintiff the last known  
13 address(es) of those defendant(s) for whom it has such information. If the last known  
14 address of the defendant(s) is a post office box, the Attorney General's Office will attempt  
15 to obtain and provide the last known physical address(es).

16 5. If service cannot be accepted for any of the named defendant(s), Plaintiff  
17 will file a motion identifying the unserved defendant(s), requesting issuance of a  
18 summons, and specifying a full name and address for the defendant(s). For the  
19 defendant(s) as to which the Attorney General has not provided last-known-address  
20 information, Plaintiff will provide the full name and address for the defendant(s).

21 6. If the Attorney General accepts service of process for any named  
22 defendant(s), such defendant(s) will file and serve an answer or other response to the  
23 First Amended Complaint (ECF No. 7) within 60 days of the entry date of this order.

24 7. Plaintiff will serve upon defendant(s) or, if an appearance has been entered  
25 by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
26 submitted for the Court's consideration. If Plaintiff electronically files a document with the  
27 Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P.  
28 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the


1 document to the Court, Plaintiff will include with the document a certificate stating the date  
2 that a true and correct copy of the document was mailed to the defendants or counsel for  
3 the defendants. If counsel has entered a notice of appearance, Plaintiff will direct service  
4 to the individual attorney named in the notice of appearance, at the physical or electronic  
5 address stated therein. The Court may disregard any document received by a district  
6 judge or magistrate judge that has not been filed with the Clerk, and any document  
7 received by a district judge, magistrate judge, or the Clerk that fails to include a certificate  
8 showing proper service when required.

9 8. This case is no longer stayed.

10 9. And the Clerk of the Court is directed to:

- 11 • Electronically serve a copy of this order and a copy of the First  
12 Amended Complaint (ECF No. 7) on the Office of the Attorney  
13 General of the State of Nevada by adding the Attorney General of  
14 the State of Nevada to the docket sheet. This does not indicate  
15 acceptance of service;
- 16 • Send a copy of this order to (1) the Finance Division of the Clerk's  
17 Office and (2) the attention of **Chief of Inmate Services for the**  
18 **Nevada Department of Corrections**, P.O. Box 7011, Carson City,  
19 NV 89702; and
- 20 • Correct the docket to reflect that defendant "Perrie" has not been  
21 terminated.

22  
23 DATED THIS 9th day of December 2022.

24   
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28